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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/274,935	03/23/1999	KATHLEEN L. COVERT	EN997064	9143

7590 05/24/2002  
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EXAMINER

MARKOFF, ALEXANDER

ART UNIT	PAPER NUMBER
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1746

DATE MAILED: 05/24/2002

18

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action**

Application No.

09/274,935

Applicant(s)

COVERT ET AL.

Examiner

Alexander Markoff

Art Unit

1746

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

THE REPLY FILED 02 May 2002 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

**PERIOD FOR REPLY** [check either a) or b)]

- a) ☒ The period for reply expires 5 months from the mailing date of the final rejection.  
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.  
ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on \_\_\_\_\_. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.  
2. ☐ The proposed amendment(s) will not be entered because:  
(a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);  
(b) ☐ they raise the issue of new matter (see Note below);  
(c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
(d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_

3. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
4. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.  
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.  
7. ☐ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: \_\_\_\_\_

Claim(s) objected to: \_\_\_\_\_

Claim(s) rejected: 1-20.

Claim(s) withdrawn from consideration: \_\_\_\_\_

8. ☐ The proposed drawing correction filed on \_\_\_\_\_ is a) ☐ approved or b) ☐ disapproved by the Examiner.  
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_.  
10. ☒ Other: See Continuation Sheet

ALEXANDER MARKOFF  
PRIMARY EXAMINER

Alexander Markoff  
Primary Examiner  
Art Unit: 1746

Continuation of 5. does NOT place the application in condition for allowance because:

It is again noted that the applied reference teaches the use of nitric acid as one of the alternatives among other acids, such as sulfuric acid, which is recited by the claims (claim 5). The prior art teaches a method comprising the same steps and utilizes the same chemicals as the claimed method. It is not clear why the applicants concentrate their arguments only on the use of nitric acid, when the references specifically teaches the claimed acids.

As to the arguments regarding nitric acid:

As to the argument that the specification on page 3, line 4 teaches not to use the nitric acid is noted that this statement is directed to the prior art, not to the method of the invention.

It is again noted that the specification on page 13 teaches the use of nitric acid for the method of the invention.

It is further noted that the specification, in the part cited by the applicants with respect to nitric acid (starting at page 3, line 4), also state that persulfate salts have disadvantages. However, the use of persulfate salts is specifically required by the claims.

If the applicants take the position that the disclosure given with regard to the prior art on page 3 is sufficient to exclude the use of nitric acid, then the same logic must be applied to persulfate salts and the use of these salts should be prohibited. However, the use of these salts is recited by the claims.

Thereby, it is clear that the applicants in their arguments contradict to their own specification.

The Applicants argue that the applied reference is old art and that it is not concerned with microetching. This is not persuasive because the claims recite a method for cleaning copper without etching bulk copper. The method of the prior art is a method for cleaning copper, comprising the same steps as the claimed method and resulting in smoothing the surface without removing the bulk of copper.

Continuation of 10. Other:

Information Disclosure Statement

1. The information disclosure statement filed 5/2/02 fails to comply with 37 CFR 1.97(d) because it lacks a statement as specified in 37 CFR 1.97(e). It has been placed in the application file, but the information referred to therein has not been considered.
2. It is noted that in contrast to the applicants statement the IDS was filed after the mailing date of the Final Action (12/4/01).